

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 644 – HB 813

May 2, 2017

SUMMARY OF ORIGINAL BILL: Expands the reporting requirements for the Annual Civil Asset Forfeiture Report provided by the Department of Safety (DOS) to committees of the Tennessee General Assembly. Requires the report to include information from the DOS as a whole and to be broken down for each law enforcement agency that opened a forfeiture proceeding with the Department in the previous calendar year. Expands, from six to seventeen, the number of data points required to be included within the report.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$100,000/One-Time

SUMMARY OF AMENDMENTS (004713, 006352, 007136, 007200, 008112):

Amendment 004713 deletes and rewrites the bill such that the only substantive change is the removal of two demographic data points required to be included on the Annual Civil Asset Forfeiture Report.

Amendment 006352 adds language to the bill as amended that specifies that a popularly-elected judge must be in the county where the asset was seized to issue a forfeiture warrant, and specifies that a magistrate or judicial commissioner shall not issue forfeiture warrants.

Amendment 007136 removes language from the bill as amended that specifies that a popularly-elected judge must be in the county where the asset was seized to issue a forfeiture warrant, and specifies that a magistrate or judicial commissioner shall not issue forfeiture warrants.

Amendment 007200 creates a general sessions court appeal process for a person asserting a claim to property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner.

Amendment 008112 deletes and replaces language of the amended bill to effectively create a seven day period before a forfeiture warrant, that was issued by a magistrate or judicial commissioner, can be sent to the applicable reporting agency.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on information provided by the DOS, the required data points in the amended legislation can be captured and reported within existing resources.
- No update of the Tennessee Traffic Analysis Network (TITAN) will be required to execute the provisions of the bill as amended.
- Based on information provided by the Administrative Office of the Courts, creating a general sessions court appeal process can be executed within existing resources; therefore, any fiscal impact is considered not significant to state and local governments.
- The creation of a seven day period before a forfeiture warrant, that was issued by a magistrate or judicial commissioner, can be sent to the applicable reporting agency is not anticipated to impact state or local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

/dwl